

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PAULSON PRV HOLDINGS LLC; DUO CONDADO JV HOLDINGS LLC; BAHIA BEACH HOLDING COMPANY LLC; AIP PR HOLDINGS LLC; CONDADO DUO LA CONCHA SPV, LLC; CONDADO DUO VANDERBILT SPV, LLC; CONDADO DUO VANDERBILT HOTEL TOWERS SPV, LLC; SJ BEACH PR LLC; REGENCY ACQUISITION LLC; BAHIA BEACH RESORT LLC; BAHIA BEACH CH DEVELOPMENT LLC; AND OCEAN DRIVE DEVELOPMENT LLC,

Plaintiffs,

v.

FAHAD GHAFAR; GLENDA ACEVEDO-MARTINEZ; GLEN ACEVEDO; AMIR GHAFAR; SAIRA GHAFAR; FARAH VAYANI; NERISSA APONTE; THINKING AHEAD LLC; GGSG LLC; COVERISQ LLC; TYGATE PTE LTD.; AND SYBER GROUP LLC,

Defendants.

CIVIL NO. 23-1521 (SCC)

DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY

COME NOW Defendants Fahad Ghaffar and Thinking Ahead LLC (hereinafter, "Defendants") through the undersigned counsel, and hereby request leave to file a reply to the Plaintiff's Opposition to the Defendants' Motion to Dismiss for Failure to State a Claim and Compel Arbitration (ECF No. 130), and further leave to do so within 90 days. In support thereof, Plaintiffs state as follows:

1. On March 25, 2024, Plaintiffs filed their Second Amended Complaint, which consists of 22 causes of action, and 410 paragraphs over the course of 95 pages.¹

¹ Plaintiffs commenced this action on or about October 16, 2023. Defendants timely moved for a RICO Case Statement Order and subsequently made a timely motion to dismiss. Plaintiffs initially sought a 60-day extension of time until March 23, 2024 to respond to the initial motion to dismiss. The Court granted said motion (extending the time to respond until March 22, 2024).

2. On April 12, 2024, without having sought any extension of time beyond that provided for in the applicable local and federal rules, Defendants filed their Motion to Dismiss for Failure to State a Claim and Compel Arbitration (the “Motion”).

3. On April 24, 2024, Plaintiffs sought a sixty (60) day extension of time to oppose the Motion. Plaintiffs’ motion seeking said extension of time noted that the Second Amended Complaint details “several complex schemes perpetrated by the defendants, some of which violate the RICO statute and other which violate state law” (ECF No. 124, pp. 1-2), and stated that effectively responding to the Motion would necessitate “thorough legal research followed by the drafting of comprehensive response briefs.” (ECF No. 124, p. 2).

4. Defendants did not oppose the request and the Court granted the Plaintiffs’ request for a sixty (60) day extension that same day, April 24, 2024.

5. On June 25, 2024, the Plaintiffs filed their Omnibus Response in Opposition to the Defendants’ Motions to Dismiss (the “Opposition”).

6. The Opposition consists of one hundred seventeen (117) pages of factual and legal argument in opposition to the Motion.

7. The Opposition is an omnibus response, addressing the motions of each defendant. This has the effect of requiring each of the multiple defendants to sort through the Opposition and analyze which arguments are specifically applicable to their position before they can even begin to respond.

However, instead of opposing the initial motion to dismiss, the Plaintiffs filed an amended complaint and then a second amended complaint, which is now the subject of the Motion. In sum, the Defendants have always responded timely in this case, while any delays have resulted from the Plaintiffs’ repeated amendments and their explicit requests for lengthy extensions.

8. The arguments contained therein advance numerous erroneous and contrived legal arguments that require a response in order for the Motion to be properly determined. Accordingly, Defendants respectfully request leave to submit a reply.

9. Moreover, in order to adequately address the points raised in the overblown Opposition, and its serial misinterpretation of the RICO jurisprudence, Defendants respectfully request leave to file a reply within ninety (90) days. The requested period is necessary based not only on the need to address the flawed arguments in the Opposition but also as a result of the unwieldiness of the Second Amended Complaint, which is a mishmash of convoluted claims under the federal RICO statute, federal securities fraud law, and state law. The Opposition is also unjustifiably and excessively lengthy. All of this excess and erroneous argument requires additional time to rebut, particularly taking into account the need to coordinate among multiple counsel representing the different defendants. The requested leave period is also necessary to accommodate demands on counsel in other matters involving the same or related parties, including an arbitration seated in New York City, as well as additional federal and local law cases pending in Puerto Rico.

10. This request is made in good faith and without dilatory intent.

WHEREFORE, it is respectfully submitted that for all of the reasons set forth above, the Defendants should be granted leave to file a reply in 90 days from the date of this request.

Dated: July 2, 2024

IT IS HEREBY CERTIFIED that, on this date, the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

Respectfully Submitted,

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